

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-4-11
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 14 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Troy Fraser
Troy Fraser, Chair

Patricia Harless
Patricia Harless, Chair

Brian Birdwell
Brian Birdwell

Rose Aliseda
Rose Aliseda

Joan Huffman
Joan Huffman

Dennis Bonnen
Dennis Bonnen

Leticia Van de Putte

Vicki Truitt
Vicki Truitt

Tommy Williams

On the part of the Senate

Marc Veasey

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by
adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the
requirements of Section 63.001(b) on the basis of disability must
include with the person's application:

(1) written documentation:

(A) from the United States Social Security
Administration evidencing the applicant has been determined to have
a disability; or

(B) from the United States Department of Veterans
Affairs evidencing the applicant has a disability rating of at
least 50 percent; and

(2) a statement in a form prescribed by the secretary
of state that the applicant does not have a form of identification
acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by
adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the
certification requirements of Section 13.002(i) must contain an
indication that the voter is exempt from the requirement to present

1 identification other than the registration certificate before
2 being accepted for voting.

3 SECTION 3. Effective September 1, 2011, Subchapter A,
4 Chapter 15, Election Code, is amended by adding Section 15.005 to
5 read as follows:

6 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

7 (a) The voter registrar of each county shall provide notice of the
8 identification requirements for voting prescribed by Chapter 63 and
9 a detailed description of those requirements with each voter
10 registration certificate issued under Section 13.142 or renewal
11 registration certificate issued under Section 14.001.

12 (b) The secretary of state shall prescribe the wording of
13 the notice to be included on the certificate under this section.

14 SECTION 4. Section 15.022(a), Election Code, is amended to
15 read as follows:

16 (a) The registrar shall make the appropriate corrections in
17 the registration records, including, if necessary, deleting a
18 voter's name from the suspense list:

19 (1) after receipt of a notice of a change in
20 registration information under Section 15.021;

21 (2) after receipt of a voter's reply to a notice of
22 investigation given under Section 16.033;

23 (3) after receipt of a registration omissions list and
24 any affidavits executed under Section 63.006 [~~63.007~~], following an
25 election;

26 (4) after receipt of a voter's statement of residence
27 executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

SECTION 5. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

(c) The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Effective September 1, 2011, Section 32.111, Election Code, is amended by adding Subsection (c) to read as

1 follows:

2 (c) The training standards adopted under Subsection (a)
3 must include provisions on the acceptance and handling of the
4 identification presented by a voter to an election officer under
5 Section 63.001.

6 SECTION 7. Effective September 1, 2011, Section 32.114(a),
7 Election Code, is amended to read as follows:

8 (a) The county clerk shall provide one or more sessions of
9 training using the standardized training program and materials
10 developed and provided by the secretary of state under Section
11 32.111 for the election judges and clerks appointed to serve in
12 elections ordered by the governor or a county authority. Each
13 election judge shall complete the training program. Each election
14 clerk shall complete the part of the training program relating to
15 the acceptance and handling of the identification presented by a
16 voter to an election officer under Section 63.001.

17 SECTION 8. Chapter 62, Election Code, is amended by adding
18 Section 62.016 to read as follows:

19 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
20 POLLING PLACES. The presiding judge shall post in a prominent place
21 on the outside of each polling location a list of the acceptable
22 forms of identification. The list must be printed using a font that
23 is at least 24-point. The notice required under this section must
24 be posted separately from any other notice required by state or
25 federal law.

26 SECTION 9. Section 63.001, Election Code, is amended by
27 amending Subsections (b), (c), (d), and (f) and adding Subsections

1 (g) and (h) to read as follows:

2 (b) Except as provided by Subsection (h), on [On] offering
3 to vote, a voter must present to an election officer at the polling
4 place one form of identification described by Section 63.0101 [the
5 ~~voter's voter registration certificate to an election officer at~~
6 ~~the polling place].~~

7 (c) On presentation of the documentation required under
8 Subsection (b) [a registration certificate], an election officer
9 shall determine whether the voter's name on the documentation
10 [registration certificate] is on the list of registered voters for
11 the precinct. If in making a determination under this subsection
12 the election officer determines under standards adopted by the
13 secretary of state that the voter's name on the documentation is
14 substantially similar to but does not match exactly with the name on
15 the list, the voter shall be accepted for voting under Subsection
16 (d) if the voter submits an affidavit stating that the voter is the
17 person on the list of registered voters.

18 (d) If, as determined under Subsection (c), the voter's name
19 is on the precinct list of registered voters and the voter's
20 identity can be verified from the documentation presented under
21 Subsection (b), the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election
23 officer shall return the voter's documentation [~~registration~~
24 ~~certificate~~] to the voter.

25 (g) If the requirements for identification prescribed by
26 Subsection (b) are not met, the voter may be accepted for
27 provisional voting only under Section 63.011. For a voter who is

1 not accepted for voting under this section, an election officer
2 shall:

3 (1) inform the voter of the voter's right to cast a
4 provisional ballot under Section 63.011; and

5 (2) provide the voter with written information, in a
6 form prescribed by the secretary of state, that:

7 (A) lists the requirements for identification;

8 (B) states the procedure for presenting
9 identification under Section 65.0541;

10 (C) includes a map showing the location where
11 identification must be presented; and

12 (D) includes notice that if all procedures are
13 followed and the voter is found to be eligible to vote and is voting
14 in the correct precinct, the voter's provisional ballot will be
15 accepted.

16 (h) The requirements for identification prescribed by
17 Subsection (b) do not apply to a voter who is disabled and presents
18 the voter's voter registration certificate containing the
19 indication described by Section 15.001(c) on offering to vote.

20 SECTION 10. Section 63.0011(a), Election Code, is amended
21 to read as follows:

22 (a) Before a voter may be accepted for voting, an election
23 officer shall ask the voter if the voter's residence address on the
24 precinct list of registered voters is current and whether the voter
25 has changed residence within the county. If the voter's address is
26 omitted from the precinct list under Section 18.005(c), the officer
27 shall ask the voter if the voter's residence, if [as] listed, on

1 identification presented by the voter under Section 63.001(b) [~~the~~
2 ~~voter's voter registration certificate~~] is current and whether the
3 voter has changed residence within the county.

4 SECTION 11. Effective September 1, 2011, Chapter 63,
5 Election Code, is amended by adding Section 63.0012 to read as
6 follows:

7 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
8 CERTAIN VOTERS. (a) An election officer shall distribute written
9 notice of the identification that will be required for voting
10 beginning with elections held after January 1, 2012, and
11 information on obtaining identification without a fee under Chapter
12 521A, Transportation Code, to each voter who, when offering to
13 vote, presents a form of identification that will not be sufficient
14 for acceptance as a voter under this chapter beginning with those
15 elections.

16 (b) The secretary of state shall prescribe the wording of
17 the notice and establish guidelines for distributing the notice.

18 (c) This section expires September 1, 2017.

19 SECTION 12. Section 63.006, Election Code, is amended to
20 read as follows:

21 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
22 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
23 vote, presents the documentation required under Section 63.001(b)
24 [~~a voter registration certificate indicating that the voter is~~
25 ~~currently registered in the precinct in which the voter is offering~~
26 ~~to vote,~~] but whose name is not on the precinct list of registered
27 voters[~~r~~] shall be accepted for voting if the voter also presents a

1 voter registration certificate indicating that the voter is
2 currently registered:

3 (1) in the precinct in which the voter is offering to
4 vote; or

5 (2) in a different precinct in the same county as the
6 precinct in which the voter is offering to vote and the voter
7 executes an affidavit stating that the voter:

8 (A) is a resident of the precinct in which the
9 voter is offering to vote or is otherwise entitled by law to vote in
10 that precinct;

11 (B) was a resident of the precinct in which the
12 voter is offering to vote at the time the information on the voter's
13 residence address was last provided to the voter registrar;

14 (C) did not deliberately provide false
15 information to secure registration in a precinct in which the voter
16 does not reside; and

17 (D) is voting only once in the election.

18 (b) After the voter is accepted, an election officer shall:

19 (1) indicate beside the voter's name on the poll list
20 that the voter was accepted under this section; and

21 (2) enter the voter's name on the registration
22 omissions list.

23 SECTION 13. Section 63.009, Election Code, is amended to
24 read as follows:

25 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

26 ~~A [(a) Except as provided by Subsection (b), a]~~ voter who does not
27 present a voter registration certificate when offering to vote, and

1 whose name is not on the list of registered voters for the precinct
2 in which the voter is offering to vote, shall be accepted for
3 provisional voting if the voter executes an affidavit in accordance
4 with Section 63.011.

5 ~~[(b) If an election officer can determine from the voter~~
6 ~~registrar that the person is a registered voter of the county and~~
7 ~~the person presents proof of identification, the affidavits~~
8 ~~required by Sections 63.007 and 63.008 are substituted for the~~
9 ~~affidavit required by Section 63.011 in complying with that~~
10 ~~section. After the voter is accepted under this subsection, an~~
11 ~~election officer shall also indicate beside the voter's name on the~~
12 ~~poll list that the voter was accepted under this section.]~~

13 SECTION 14. Section 63.0101, Election Code, is amended to
14 read as follows:

15 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
16 The following documentation is an acceptable form ~~[as proof]~~ of
17 photo identification under this chapter:

18 (1) a driver's license, election identification
19 certificate, or personal identification card issued to the person
20 by the Department of Public Safety that has not ~~[or a similar~~
21 ~~document issued to the person by an agency of another state,~~
22 ~~regardless of whether the license or card has]~~ expired or that
23 expired no earlier than 60 days before the date of presentation;

24 (2) a United States military identification card that
25 contains the person's photograph that has not expired or that
26 expired no earlier than 60 days before the date of presentation
27 ~~[form of identification containing the person's photograph that~~

1 ~~establishes the person's identity];~~

2 (3) ~~a [birth certificate or other document confirming~~
3 ~~birth that is admissible in a court of law and establishes the~~
4 ~~person's identity];~~

5 ~~[(4)]~~ United States citizenship certificate ~~[papers]~~
6 issued to the person that contains the person's photograph;

7 (4) [(5)] a United States passport issued to the
8 person that has not expired or that expired no earlier than 60 days
9 before the date of presentation; or

10 (5) a license to carry a concealed handgun issued to
11 the person by the Department of Public Safety that has not expired
12 or that expired no earlier than 60 days before the date of
13 presentation

14 ~~[(6) official mail addressed to the person by name~~
15 ~~from a governmental entity];~~

16 ~~[(7) a copy of a current utility bill, bank statement,~~
17 ~~government check, paycheck, or other government document that shows~~
18 ~~the name and address of the voter; or~~

19 ~~[(8) any other form of identification prescribed by~~
20 ~~the secretary of state].~~

21 SECTION 15. Section 63.011, Election Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (b-1) to
23 read as follows:

24 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009
25 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person
26 executes an affidavit stating that the person:

27 (1) is a registered voter in the precinct in which the

1 person seeks to vote; and

2 (2) is eligible to vote in the election.

3 (b) A form for an affidavit required by this section must
4 ~~[shall]~~ be printed on an envelope in which the provisional ballot
5 voted by the person may be placed and must include:

6 (1) a space for entering the identification number of
7 the provisional ballot voted by the person; and

8 (2) a space for an election officer to indicate
9 whether the person presented a form of identification described by
10 Section 63.0101.

11 (b-1) The affidavit form may include space for disclosure of
12 any necessary information to enable the person to register to vote
13 under Chapter 13. The secretary of state shall prescribe the form
14 of the affidavit under this section.

15 SECTION 16. Section 64.012(b), Election Code, is amended to
16 read as follows:

17 (b) An offense under this section is a felony of the second
18 ~~[third]~~ degree unless the person is convicted of an attempt. In
19 that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

20 SECTION 17. Section 65.054(b), Election Code, is amended to
21 read as follows:

22 (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if
23 the board determines that:

24 (1) [7] from the information in the affidavit or
25 contained in public records, the person is eligible to vote in the
26 election and has not previously voted in that election;

27 (2) the person:

1 (A) meets the identification requirements of
2 Section 63.001(b) at the time the ballot was cast or in the period
3 prescribed under Section 65.0541;

4 (B) notwithstanding Chapter 110, Civil Practice
5 and Remedies Code, executes an affidavit under penalty of perjury
6 that states the voter has a religious objection to being
7 photographed and the voter has consistently refused to be
8 photographed for any governmental purpose from the time the voter
9 has held this belief; or

10 (C) executes an affidavit under penalty of
11 perjury that states the voter does not have any identification
12 meeting the requirements of Section 63.001(b) as a result of a
13 natural disaster that was declared by the president of the United
14 States or the governor, occurred not earlier than 45 days before the
15 date the ballot was cast, and caused the destruction of or inability
16 to access the voter's identification; and

17 (3) the voter has not been challenged and voted a
18 provisional ballot solely because the voter did not meet the
19 requirements for identification prescribed by Section 63.001(b).

20 SECTION 18. Subchapter B, Chapter 65, Election Code, is
21 amended by adding Section 65.0541 to read as follows:

22 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
23 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
24 voting under Section 63.011 because the voter does not meet the
25 identification requirements of Section 63.001(b) may, not later
26 than the sixth day after the date of the election:

27 (1) present a form of identification described by

1 Section 63.0101 to the voter registrar for examination; or

2 (2) execute an affidavit described by Section
3 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

4 (b) The secretary of state shall prescribe procedures as
5 necessary to implement this section.

6 SECTION 19. Section 66.0241, Election Code, is amended to
7 read as follows:

8 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
9 must contain:

10 (1) the precinct list of registered voters;
11 (2) the registration correction list;
12 (3) the registration omissions list;
13 (4) any statements of residence executed under Section
14 63.0011; and

15 (5) any affidavits executed under Section 63.006
16 [~~63.007~~] or 63.011.

17 SECTION 20. Subtitle B, Title 7, Transportation Code, is
18 amended by adding Chapter 521A to read as follows:

19 CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

20 Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a)

21 The department shall issue an election identification certificate
22 to a person who states that the person is obtaining the certificate
23 for the purpose of satisfying Section 63.001(b), Election Code, and
24 does not have another form of identification described by Section
25 63.0101, Election Code, and:

26 (1) who is a registered voter in this state and
27 presents a valid voter registration certificate; or

1 (2) who is eligible for registration under Section
2 13.001, Election Code, and submits a registration application to
3 the department.

4 (b) The department may not collect a fee for an election
5 identification certificate or a duplicate election identification
6 certificate issued under this section.

7 (c) An election identification certificate may not be used
8 or accepted as a personal identification certificate.

9 (d) An election officer may not deny the holder of an
10 election identification certificate the ability to vote because the
11 holder has an election identification certificate rather than a
12 driver's license or personal identification certificate issued
13 under this subtitle.

14 (e) An election identification certificate must be similar
15 in form to, but distinguishable in color from, a driver's license
16 and a personal identification certificate. The department may
17 cooperate with the secretary of state in developing the form and
18 appearance of an election identification certificate.

19 (f) The department may require each applicant for an
20 original or renewal election identification certificate to furnish
21 to the department the information required by Section 521.142.

22 (g) The department may cancel and require surrender of an
23 election identification certificate after determining that the
24 holder was not entitled to the certificate or gave incorrect or
25 incomplete information in the application for the certificate.

26 (h) A certificate expires on a date specified by the
27 department, except that a certificate issued to a person 70 years of

1 age or older does not expire.

2 SECTION 21. Sections 63.007 and 63.008, Election Code, are
3 repealed.

4 SECTION 22. Effective September 1, 2011:

5 (1) as soon as practicable, the secretary of state
6 shall adopt the training standards and develop the training
7 materials required to implement the change in law made by this Act
8 to Section 32.111, Election Code; and

9 (2) as soon as practicable, the county clerk of each
10 county shall provide a session of training under Section 32.114,
11 Election Code, using the standards adopted and materials developed
12 to implement the change in law made by this Act to Section 32.111,
13 Election Code.

14 SECTION 23. The change in law made by this Act in amending
15 Section 64.012(b), Election Code, applies only to an offense
16 committed on or after January 1, 2012. An offense committed before
17 January 1, 2012, is covered by the law in effect when the offense
18 was committed, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense is committed
20 before January 1, 2012, if any element of the offense occurs before
21 that date.

22 SECTION 24. Effective September 1, 2011, state funds
23 disbursed under Chapter 19, Election Code, for the purpose of
24 defraying expenses of the voter registrar's office in connection
25 with voter registration may also be used for additional expenses
26 related to coordinating voter registration drives or other
27 activities designed to expand voter registration. This section

1 expires January 1, 2013.

2 SECTION 25. Every provision in this Act and every
3 application of the provisions in this Act are severable from each
4 other. If any application of any provision in this Act to any
5 person or group of persons or circumstances is found by a court to
6 be invalid, the remainder of this Act and the application of the
7 Act's provisions to all other persons and circumstances may not be
8 affected. All constitutionally valid applications of this Act
9 shall be severed from any applications that a court finds to be
10 invalid, leaving the valid applications in force, because it is the
11 legislature's intent and priority that the valid applications be
12 allowed to stand alone. Even if a reviewing court finds a provision
13 of this Act invalid in a large or substantial fraction of relevant
14 cases, the remaining valid applications shall be severed and
15 allowed to remain in force.

16 SECTION 26. Except as otherwise provided by this Act, this
17 Act takes effect January 1, 2012.

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Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i), requiring an applicant for voter registration who wishes to receive an exemption from voter identification requirements on the basis of disability to include with the person's application a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code.

SECTION 2. Amends Section 15.001, Election Code.

SECTION 3. Adds Section 15.005, Election Code.

SECTION 4. Amends Section 15.022(a)(3), Election Code.

SECTION 5. Subchapter A, Chapter 31, Election Code, is

HOUSE VERSION

SECTION __. Adds Section 1.005(25), Election Code, to define "early voting ballot board" to mean the early voting and provisional voting ballot board. [FA59(1)]

SECTION 1. Same as Senate version, except replaces the requirement that the applicant include certification from a physician that the person has a disability with the requirement that the applicant include written documentation either from the United States Social Security Administration evidencing the applicant has been determined to have a disability or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent, along with a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101, Election Code, as amended by the bill.

SECTION 2. Same as Senate version.

SECTION 3. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 4. Same as Senate version.

SECTION 5. Substantially the same as Senate version, except

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Same as Senate version.

SECTION 1. Same as House version.

SECTION 2. Same as Senate version.

SECTION 3. Same as House version.

SECTION 4. Same as Senate version.

SECTION 5. Same as Senate version, except incorporates

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amended by adding Section 31.012, relating to voter identification education provided by the secretary of state and the voter registrar of each county that maintains a website. Among other provisions, requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting.

SECTION 6. Section 32.111, Election Code, is amended by adding (c).

SECTION 7. Amends Section 32.114(a), Election Code.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016, relating to the notice and list of acceptable identification that must be posted in a prominent place on the outside of each polling location. Requires the notice and a list of the acceptable forms of identification to be printed using a font that is at least 24-point. Establishes that *the notices* required under this section *shall be* posted separately from *all other notices* required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:

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requires the secretary of state's statewide effort to include education targeted at low-income and minority voters. Incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version. [FA27]

SECTION 6. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 7. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 8. Same as Senate version, except requires only the list to be printed using a font that is at least 24-point and establishes that *the notice* under this section *must be* posted separately from *any other notice* required by state or federal law.

SECTION 9. [FA3(1)-(3);FA5;FA7;FA10;FA13(1)-(2)]
Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g), (h), and (i) to read as follows

CONFERENCE

effective date same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

SECTION 8. Same as House version.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:

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(b) Among other provisions, requires a voter, on offering to vote, to present to an election officer at the polling place one form of identification *listed in* Section 63.0101, except as provided by *Subsection (h)*.

(c) Among other provisions, requires the acceptance of a voter for voting if the voter submits an affidavit stating that the voter is the person on the list of registered voters and the election officer, in determining whether a voter's name is on that list, determines that the voter's name on the documentation is substantially similar but does not match exactly the name on the list.

(d) Provides that if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the presented documentation the voter shall be accepted for voting.

(f) Requiring an election officer, after determining whether to accept a voter, to return the voter's documentation to the voter.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *even if* all procedures are followed, *there is no guarantee that a provisional ballot will be accepted*.

(h) Exempts from the voter identification requirements prescribed by Subsection (b) of this section a voter who

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(b) Same as Senate version, except refers to the forms of identification *described by* Section 63.0101 and provides exceptions in *Subsections (h) and (i)*.

(c) Substantially the same as Senate version, except specifies that the acceptance of a voter for voting is under Subsection (d) of this section and specifies that the election officer's determination that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list is under standards adopted by the secretary of state.

(d) Same as Senate version, except specifies that the acceptance for voting is as determined under Subsection (c) of this section.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *if* all procedures are followed and *the voter is found to be eligible to vote in the election, the voter's provisional ballot will be counted*.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the

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(b) Same as House version, except provides an exception in *Subsection (h)*

(c) Substantially the same as House version.

(d) Same as House version.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *if* all procedures are followed and *the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted*.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the

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presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate, or is disabled and the voter's voter registration certificate contains the indication described by Section 15.001(c) of the bill.

No equivalent provision.

SECTION 10. Subsection (a), Section 63.0011, Election Code, is amended.

SECTION 11. Chapter 63, Election Code, is amended by adding Section 63.0012. Among other provisions, requires an election officer to distribute information on obtaining identification without a fee under *Section 521.422, Transportation Code*, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under Chapter 63, Election Code, beginning with those elections.

SECTION 12. Section 63.006, Election Code, is amended, relating to the acceptance for voting of a voter who presents the required documentation for voting but is not on the precinct list of registered voters. Includes as a ground for

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voter was 70 years of age or older on January 1, 2012, and includes as a ground for exemption that the voter executes an affidavit under penalty of perjury asserting that the voter does not have identification meeting the requirements of Subsection (b) as a result of a natural disaster declared by the president of the United States or the governor.

(i) Relating to the acceptance for voting of a voter who would otherwise be accepted but for the voter identification requirements of Subsection (b) if the voter executes an affidavit within a specified period asserting that the voter's proof of identification meeting those requirements has been stolen and the voter presents to an election officer a copy of an official police report to that effect. Provides for the redaction and exemption of certain personal information of the voter on the report.

SECTION 10. Same as Senate version.

SECTION 11. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 12. Same as Senate version, except specifies that the voter registration certificate presented by the voter indicates that the voter is currently registered *in a different precinct in the same county as the precinct* in which the voter

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voter was 70 years of age or older on January 1, 2012.

Same as Senate version.

SECTION 10. Same as Senate version.

SECTION 11. Same as House version, except refers to information on obtaining identification without a fee under *Chapter 521A, Transportation Code*.

SECTION 12. Same as House version.

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accepting such a voter for voting that the voter also presents a voter registration certificate indicating that the voter is currently registered *in a different precinct from the one* in which the voter is offering to vote. Includes among the actions an election officer must take after the voter is accepted entering *the precinct of the voter's registration as indicated by the voter's registration certificate, if applicable*, on the registration omissions list

SECTION 13. Section 63.009, Election Code, is amended.

SECTION 14. Section 63.0101, Election Code, is amended to establish the acceptable forms of photo identification for voting. Includes among those forms of identification a license to carry a concealed handgun issued to the person by the Department of Public Safety (DPS).

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b), as follows:

(a) Makes conforming changes.

(b) [part] Establishes that a form for an affidavit required by this section *shall be* printed on an envelope in which the provisional ballot voted by the person may be placed and must include spaces for certain information.

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is offering to vote. Includes among the actions an election officer must take after the voter is accepted entering *the voter's name* on the registration omissions list.

SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except specifies that, for a license to carry a concealed handgun to be an acceptable form of photo identification for voting, the license has not expired or expired no earlier than 60 days before the date of presentation. Adds as acceptable forms of photo identification for voting a valid identification card that contains the person's photograph and is issued by a tribal organization and an identification card that contains the person's photograph and is issued or approved by this state. [FA20(1),(2);FA30(1),(2)]

SECTION 15. [FA26(1),(2)] Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (f) as follows:

(a) Same as Senate version.

(b) Same as Senate version, except specifies that the form for the affidavit *must be* printed on such an envelope.

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SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except includes as an acceptable form of identification an election identification certificate and includes the specification in the House version that a license to carry a concealed handgun issued to the person by DPS refers to a license that has not expired or has expired no earlier than 60 days before the date of presentation.

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) as follows:

(a) Same as Senate version.

(b) Same as House version.

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(b) [part] Sets out requirements for the affidavit form.

(b-1) Same as Senate version.

(b-1) Same as Senate version.

No equivalent provision.

(f) Provides for the execution of an affidavit under certain provisions of the bill and the availability of forms for such affidavits at each polling place.

Same as Senate version.

SECTION 16. Subsection (b), Section 64.012, Election Code, is amended.

SECTION 16. Same as Senate version.

SECTION 16. Same as Senate version.

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e), as follows:

SECTION 17. [FA28(1);FA53(2);FA59(2),(3)] Section 65.054, Election Code, is amended by amending Subsections (a) and (b), as follows:

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b)

No equivalent provision.

(a) Specifies that the board examining affidavits executed under Section 63.011 for determination of acceptance of provisional ballots is the early voting and provisional voting ballot board, rather than the early voting ballot board.

Same as Senate version.

(b) Includes among the options for meeting the identification requirements for acceptance of a provisional ballot by the early voting ballot board the determination by the board that the person meets the identification requirements of Section 63.001(b) *in the period prescribed under Section 65.054* or executes an affidavit under penalty of perjury stating that the voter is indigent and is unable to obtain proof of identification without the payment of a fee or *has a religious objection to being photographed*. Requires the *affidavit to also state that the voter has not been challenged or required to vote a provisional ballot for any other reason*.

(b) Same as Senate version, except specifies that the determination by the board that the person meets the identification requirements of Section 63.001(b) is either *at the time the ballot was cast or in the period prescribed under Section 65.054*. Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the option to execute an affidavit relating to the voter's indigence or religious objection to being photographed and the fact that the voter has not been challenged or required to vote a provisional ballot for any other reason.

(b) Same as Senate version, except specifies that the determination by the board that the person meets the identification requirements of Section 63.001(b) is either *at the time the ballot was cast or in the period prescribed under Section 65.054*. Omits the option to execute an affidavit relating to the voter's indigence. Revises the option to execute an affidavit relating to a religious objection to, notwithstanding Chapter 110, Civil Practice and Remedies Code and under penalty of perjury, state that the voter *has a religious objection to being photographed and has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief*. Adds an option to execute an affidavit under penalty of perjury stating that the voter does not have any identification

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meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. Includes as a condition for accepting a provisional ballot, rather than as a required statement in the affidavit options, *that the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).* [The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(e) Provides for the meaning for the term "indigent," as used in this section, by reference to the Government Code.

No equivalent provision.

Same as House version.

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541, relating to the presentation of identification for certain provisional ballots. Among other provisions, authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to present *proof of identification* described by Section 63.0101 to the voter registrar for examination within a prescribed period or execute one of the affidavit options described in Section 65.054(b) above.

SECTION 18. Same as Senate version, except authorizes a voter within the prescribed period to present *a form of identification* described by Section 63.0101. Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the affidavit options.
[FA26(3);FA28(2);FA53(3)]

SECTION 18. Same as Senate version, except authorizes a voter within the prescribed period to present *a form of identification* described by Section 63.0101 or execute one of the revised affidavit options described in Section 65.054(b) above.

SECTION 19. Section 66.0241, Election Code.

SECTION 19. Same as Senate version.

SECTION 19. Same as Senate version.

No equivalent provision.

SECTION __. Section 521.124, Transportation Code, is amended, relating to a temporary license issued by DPS.
[FA53(1)]

Same as Senate version.

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SECTION 20. Section 521.422, Transportation Code, is amended by amending Subsection (a) to make a conforming change and adding Subsection (d) to establish that DPS *may not* collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and meets certain other requirements.

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SECTION 20. Same as Senate version, except establishes that DPS *shall not* collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, *and does not have another form of identification described by Section 63.0101, Election Code*, and meets certain other requirements. [FA32]

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SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A, relating to election identification certificates, as follows:

(a) Requires DPS to issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and who is a registered voter in this state and presents a valid voter registration certificate or who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) Establishes that the department *may not* collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) Prohibits an election identification certificate from being used or accepted as a personal identification certificate.

(d) Prohibits an election officer from denying the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) Requires an election identification certificate to be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. Authorizes DPS to cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) Authorizes DPS to require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142, Transportation Code, relating to the application requirements for an original driver's license.

(g) Authorizes the department to cancel and require surrender

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No equivalent provision.

SECTION 21. Repeals Sections 63.007 and 63.008, Election Code, effective January 1, 2012.

SECTION 22. Transition provision.

SECTION 23. Saving provision relating to the change in law made by the bill applicable to an offense.

SECTION 24. Temporary provision relating to use of state funds for voter registration.

SECTION __. Section 521.424, Transportation Code, is amended, prohibiting DPS from collecting a fee for a duplicate personal identification certificate from a person who is obtaining the certificate for the purpose of satisfying the identification requirements for voting and that the person does not have another acceptable form of identification. [FA45]

SECTION 21. Same as Senate version, except omits the January 1, 2012, effective date.

SECTION 22. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 23. Same as Senate version, except specifies that the change in law is to Section 64.012(b), Election Code, as amended by the bill.

SECTION 24. Substantially the same as Senate version, except incorporates same effective date for the section that is

of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate. (h) Establishes that a certificate expires on a date specified by DPS, except that a certificate issued to a person 70 years of age or older does not expire. *[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]*

Same as Senate version.

SECTION 21. Same as House version.

SECTION 22. Same as House version.

SECTION 23. Same as House version.

SECTION 24. Same as House version.

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	provided in SECTION 26(b) of Senate version.	
SECTION 25. Establishes that the bill does not make an appropriation and takes effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 82nd Legislature.	No equivalent provision.	Same as House version.
No equivalent provision.	SECTION __. Severability provision. [FA48]	SECTION 25. Same as House version.
SECTION 26. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2012. (b) The changes in law made by Sections 3, 5, 6, 7, 11, 22, and 24 of this Act take effect September 1, 2011.	SECTION 25. Substantially the same as Senate version, except states as otherwise provided by this Act, rather than specifying sections that are effective September 1, 2011, since the effective dates are incorporated into the individual sections in the house version.	SECTION 26. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, Conference Committee Report: a negative impact of (\$2,024,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits written document from the United States Social Security Administration evidencing the applicant has a disability or the Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent along with a statement that the applicant does not have an acceptable form of identification. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification

requirements for voting with each initial voter registration certificate or renewal registration certificate issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from any other notices.

The Secretary of State would be required to develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar when the name does not match exactly with the name on the list of registered voters and the voter submits an affidavit stating that the voter is the person on the list of registered voters.

The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements for voting beginning with elections held after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements and information on obtaining identification without a fee to voters who do not meet identification requirements. This section would expire September 1, 2017.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would require the Department of Public Safety (DPS) to issue an election identification certificate (certificate) to a person who states that the person is obtaining the certificate to meet voting identification requirements and presents a valid voter registration certificate or submits a valid voter registration application. DPS would be prohibited from collecting a fee for the certificate or a duplicate certificate. The certificate would not be allowed to be used or accepted as a personal identification certificate. The certificate would be required to be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. DPS and the Secretary of State would be allowed to cooperate in developing the form and appearance of the certificate. DPS would determine the expiration date of the certificate except that a certificate issued to a person 70 years of age or older would not expire.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

The bill would state that if any provision in the bill is found by a court to be invalid, the remainder of

the bill would be allowed to stand alone.

Certain sections would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be \$2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes \$0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be \$1.5 million for media advertisements: television (\$750,000), radio (\$300,000), print (\$300,000), and internet (\$150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available, develop training materials on voter identification requirements, and develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar to the name on the list of registered voters. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the costs from the prohibition of DPS to collect a fee for an election identification certificate and duplicate certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for an election identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be \$24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification. The bill would also require an applicant who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person's application documentation that the applicant has been determined to have a disability.

Texas Association of Counties (TAC) gathered the following information from counties:

Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs of \$381,256 for cards, printing and postage. Bexar County also reported costs of \$1,500 for providing voter ID informational posters in Spanish and English in 24-point font, and \$2,500 in new costs per election regarding printing new forms and provisional envelopes for information for voters not accepted for voting because of failure to present the required identification. Bexar County also anticipates \$50,000 in new costs associated with scanning disability

affidavits and another \$50,000 associated with being required to validate provisional envelopes.

Brazoria County estimated that the county clerk would be responsible \$1,500 in new costs to reprint provisional envelopes. The Brazoria County Tax Assessor-Collector anticipates \$40,159 in new costs associated with printing provisional envelopes, in addition to the costs of printing new voter information (Brazoria County reported that these costs would vary depending on the specific requirements of the information to be provided).

Tarrant County anticipated a one-time cost of \$8,000 to reprint provisional balloting materials and provide new notices.

Comal County anticipated approximately \$30,000 in new costs per election for staff at voting precincts and the early voting ballot board. The Comal County Tax Office reported costs of \$2,860 to print identification requirements, \$22,700 for envelopes, and \$19,880 for postage to comply with the provisions of the bill.

Source Agencies:

LBB Staff: JOB, SD, MS, BTA

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S B. 14 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Gatricia Hules
(name)

5-4-11
(date)